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Central Administrative Tribunal
Principal Bench, N. Delhi

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O.A. No. 2255/91
with
M.A. No. 877/95

New Delhi, this the 9th Day of May, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Ishwar Singh s/o Shri Cadhu Ram,
R/o village Mandhian Khurd,
P.O. Dewalwas, Distt. Rewari (Haryana).
(By Shri V.P. Sharma, Advocate)

Applicant

Versus

1. Delhi Administration (State),
Through its Secretary, Old Sectt.
Sham Nath Marg, Delhi.
2. The Commissioner of Police,
Delhi Police, MSO Building,
I.T.O., New Delhi.
3. The Dy. Commissioner of Police,
III Bn. D.A.,
Kingsway Camp, Delhi.
(By Shri Girish Katpalia, Advocate)
4. The Union of India through the
Secretary,
Ministry of Human Resource Development,
H.R.D. Education Department,
Shastry Bhawan,
New Delhi.
(By None)

Respondents

JUDGEMENT (ORAL)

(delivered by Hon'ble Shri J.P. Sharma, Member (J))

The short point involved in this application is
that the applicant was not given appointment as
Constable in Delhi Police inspite of his selection

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qualifying both physical and academic qualification test,

because ^{on} of a check of his original certificate it was

found that the minimum eligibility qualification i.e.

matriculation was obtained by him from Hindi Sahitya

Sammelan, Allahabad having passed in Hindi, History,

Geography, Mathematics and English in the year 1986

with second division and the certificate was issued

on 5.2.1987 bearing roll No. 9543. The applicant was

informed by the letter dated 23rd August, 1991 that the

report of the Educational Adviser to the Commissioner of

Police, Delhi revealed that the educational certificate

submitted at the time of joining is bogus. It was, therefore,

he adopted

stated that ^{deceitful} means for seeking employment in Delhi

Police by submitting fake certificate, so, ^{the} candidature

for the post is cancelled. Aggrieved by this letter, the

applicant has filed the present application and the

respondents took the stand that the educational certificate

of passing matriculation examination filed by the applicant

does not satisfy the condition of eligibility as laid down

under the rules inasmuch as from which institution, the

applicant had got the educational certificate regarding his

educational qualification is not recognised as equivalent

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to matric.

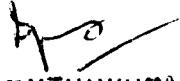
The applicant has filed M.A. No. 877/95 in which he has enclosed a mark-sheet of having passed matriculation examination from the Punjab Board. The contention of the applicant's counsel is that the case of the applicant be re-considered by the respondents because the institution from which the applicant has obtained the high school certificate is a recognised by State of Punjab. We, therefore, do not express any opinion on the merit of the matter. The learned counsel for the respondents i.e. Delhi Administration has no objection in re-considering the case of the applicant by the respondents on the basis of the recent certificate filed in M.A. 877/95 of a institution located in Punjab. None appears on behalf of the Union of India to verify the certificate of Punjab Board whether the said institution has been duly recognised by the Ministry of Human Resource Development or not. In view of the facts and circumstances, we dispose of the application without giving any decision on merit of the matter and the respondent should/consider the case of the applicant, if the applicant

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files the original certificate of having passed the high school examination from a recognised institution or Board established by law in the State of Punjab. The respondents to take decision within three months from the date, the applicant makes representation with the original certificate as well as original marksheets to the respondents and the respondents to re-consider the same after getting it verified from the Educational Adviser to the Commissioner of Police. If any grievance survives to the applicant after the order of the respondents after re-consideration of the case, he shall be free to assail the same according to law.

We are fortified in our view by the decision of the Hon'ble Supreme Court of India in the case of Union of India v/s. Sunil Kumar given in civil appeal No. 3759/92 arising out of SLP No. 5931/92 decided by the Hon'ble Supreme Court of India on 1st Sept., 1992.

The case is therefore disposed of leaving the parties to bear their own costs.


(K. MUTHUKUMAR)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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